

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 287 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KALUBHAI MAVJIBHAI

Versus

STATE OF GUJARAT

Appearance:

MS KRISHNA U MISHRA for Petitioner
MR UR BHATT ADDL.PUBLIC PROSECUTOR
for Respondents

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 15/04/98

ORAL JUDGEMENT

Rule. Mr. U.R.Bhatt, learned APP waives the service of rule for and on behalf of the respondents.

2. The petitioner prays for being released on Parole on the ground of his sickness. On 6th April, 1998, this court passed the order directing the otherside to produce necessary medical papers, and also appraise the court

about the type of treatment being given to the petitioner in Jail. Today the papers are produced before me. Perusal thereof reveals that the petitioner is suffering from painful genital & Kidney problems. According to the opinion of the Doctor, he requires further better medical investigation and treatment. In the facts and circumstances of the case, when the petitioner requires better medical treatment, is required to be released on Parole for about TEN days.

3. For the aforesaid reason, the application is allowed. The petitioner is ordered to be released on Parole for TEN days from the date of his release, on his executing a bond of Rs.500/- (Rs. Five hundred only) with one surety of the like amount, or on his depositing the said amount in cash with the Jailor and on executing a personal bond of Rs.500/- and also on condition that he will furnish the detailed address to the Jailor for his contact and would surrender back to the Jail latest by 16-00 hrs. on the last date of the period of Parole.

4. It will be open to the Jailor to impose any other necessary conditions, not inconsistent with the provision of law and the above stated conditions.

5. In case, the breach of any of the conditions is committed by the petitioner, it will also be open to the Jailor to forfeit the amount of bond and/or take any other penal action permissible in law.

Rule accordingly made absolute.

Date:15/4/1998. -----

(ccs)